

City of Lockport
Local Law No. __ of the year 2016

A LOCAL LAW to amend Section 158 of the Lockport City Code respecting the removal of brush, grass and weeds.

BE IT ENACTED by the Common Council of the City of Lockport, New York as follows:

Section 158-21 the Lockport City Code, as amended, is hereby further amended by deleting the same in its entirety and substituting therefor a new Section 158-21 to read as follows:

§ 158-21. Removal of brush, grass and weeds; penalty.

[Amended 8-3-1989; 6-19-1991]

A. Cutback requirements.

- (1) Every person in charge or control of any building or lot of land within the City of Lockport, New York, whether as owner, tenant, occupant, lessee or otherwise, shall cut and remove any growth of weeds, grass or other rank vegetation or brush growing on any occupied or unoccupied lot of land or any part thereof located in the City of Lockport, New York, in accordance with Subsection **A(2)** of this section.
- (2) Any tract or parcel of land containing one acre or less shall be cut in its entirety to a length of six inches or less. Any contiguous tracts or parcels of land having at least one common owner, which contiguous tracts or parcels of land contain more than one acre in combined area, and any tract or parcel of land containing more than one acre shall be cut back a distance of 20 feet from the curb or boundary line of each adjacent public street and/or property lines to a length of six inches or less.

B. Poisonous plants. It shall be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plant or plants detrimental to health to grow on the part of any such lot or land required to be cut in accordance with Subsection **A(2)** of this section or to allow the seed, pollen or other particles or emanations therefrom to be carried throughout the air into any public place.

C. Notice. The Code Enforcement Officer/Chief Building Inspector is hereby authorized and empowered to notify, by regular mail and by affixing to the front door, the owner, agent, tenant, lessee or occupant of any open or vacant private property within the City or the agent of such owner, agent, lessee, tenant or other occupant to properly cut and

remove any growth of weeds, grass or other rank vegetation or brush growth located on such owner's, tenant's, lessee's or occupant's property which is dangerous to public health, safety or welfare or otherwise not in conformity with this Section after making an inspection thereof. Such notice shall be in writing and be in substantially the following form:

“TO THE OWNER AND OCCUPANTS OF PROPERTY IN THE CITY OF LOCKPORT”

“Please take notice that you are hereby required to cut and remove all grass, weeds and other rank, poisonous, harmful vegetation on the property owned or occupied by you and to comply with the ordinance of the City of Lockport relative to the removal of grass, weeds, etc. In the event of your failure to remove such grass, weeds, etc., the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative may cause such weeds and grass and other vegetation on your property to be cut and removed, and the cost thereof shall thereupon become and be a charge and lien upon your property and shall be collected the same as other taxes upon your property. If you wish to object to this determination, such objection must be received in writing to the Code Enforcement Officer/Chief Building Inspector within five days of the date of this notice.”

D. Failure to comply with notice.

- (1) Upon failure, neglect or refusal of any owner, agent, tenant, lessee or occupant, or agent thereof so notified to properly dispose of litter or remove weeds, grass, or other rank vegetation or brush or to object in writing to the Building Department within five days from the date of notice provided for in § 158-21(C) above, the Building Inspector shall authorize and direct the appropriate City office, department, or designee to proceed to cut and remove such weeds, grass, or other rank vegetation or brush. In the event that the owner, agent, tenant, lessee, or occupant or agent shall object in writing within five days to the Code Enforcement Officer/Building Inspector, the matter shall be referred to the Zoning Board of Appeals, which shall review the determination within 30 days from the date of receipt of any written objection. The determination of the Zoning Board of Appeals shall be final.
- (2) The actual cost of such cutting and removing, plus \$150.00 for inspection and other additional costs in connection therewith, shall be billed to the property owner, a copy of which shall be forward to the City Treasurer, by the Code Enforcement Officer/Chief Building Inspector or his duly-designated representative. Thirty days after the billing date, all unpaid charges will become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed

against such property, or the same may be collected by suit against the owner or owners in the name of the City.

- E. Person. The word “person” as used in this section, shall mean and include one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

This law shall be effective upon filing with the Office of the Secretary of State.